



GP 1638

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PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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| <b>TRANSMITTAL FORM</b><br><br>(to be used for all correspondence after initial filing) | <b>Applicati n Number</b>   | 09/811,093                    |              |
|   | <b>Filing Date</b>          | 3/16/2001                     |              |
|   | <b>First Named Inventor</b> | Clendennen                    |              |
|   | <b>Group Art Unit</b>       | 1638                          |              |
|   | <b>Examiner Name</b>        | Mehta, Ashwin D.              |              |
| <b>Total Number of Pages in This Submission</b>   | 226                         | <b>Attorney Docket Number</b> | 4257-0025.30 |

| ENCLOSURES (check all that apply)  |   |   |         |  |
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| <input type="checkbox"/> Fee Transmittal Form<br><br><input type="checkbox"/> Fee Attached<br><br><input type="checkbox"/> Amendment / Response<br><br><input type="checkbox"/> After Final<br><br><input type="checkbox"/> Affidavits/declaration(s)<br><br><input type="checkbox"/> Extension of Time Request<br><br><input type="checkbox"/> Express Abandonment Request<br><br><input checked="" type="checkbox"/> Information Disclosure Statement<br><br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><br><input type="checkbox"/> Response to Missing Parts/ Incomplete Application<br><br><input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Assignment Papers (for an Application)<br><br><input type="checkbox"/> Drawing(s)<br><br><input type="checkbox"/> Licensing-related Papers<br><br><input type="checkbox"/> Petition<br><br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><br><input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address<br><br><input type="checkbox"/> Terminal Disclaimer<br><br><input type="checkbox"/> Request for Refund<br><br><input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication to Group<br><br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><br><input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)<br><br><input type="checkbox"/> Proprietary Information<br><br><input type="checkbox"/> Status Letter<br><br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):<br><b>return receipt postcard</b> |         |  |
| <table border="1"><tr><td>Remarks</td><td></td></tr></table>   |   |   | Remarks |  |
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| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT |                   |
|--|-------------------|
| Firm or Individual name                    | Michael J. Atkins |
| Signature                                  | Michael J. Atkins |
| Date                                       | October 22, 2002  |

| CERTIFICATE OF MAILING   |                         |      |                  |
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| I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: <span>October 22, 2002</span> |                         |      |                  |
| Typed or printed name  | Shannon Paladini        |      |                  |
| Signature  | <i>Shannon Paladini</i> | Date | October 22, 2002 |

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of Clendennen *et al.*

Application No.: 09/811,093

Filed: March 16, 2001

For: MELON PROMOTERS FOR EXPRESSION OF  
TRANSGENES IN PLANTS

Confirmation No.: 8290

Art Unit: 1638

Examiner: Mehta, Ashwin D.

Attorney Docket No.: 4257-0025.30

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**INFORMATION DISCLOSURE STATEMENT AND  
STATEMENT UNDER 37 C.F.R. §1.97(e)**

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Commissioner for Patents  
Washington, DC 20231

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Sir:

In accordance with 37 CFR §1.56, this Information Disclosure Statement is being submitted for the above-referenced application.


Applicant requests the Office to consider this Information Disclosure Statement under 37 C.F.R. §1.97 (c). Accordingly, applicant states, pursuant to §1.97 (e) that the information contained in the attached PTO Form 1449 was first cited in the International Search Report from the International Searching Authority in the counterpart PCT application not more than three months prior to the filing of this statement.

In accordance with §1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined by 37 CFR §1.56 exists.

In accordance with §1.97(h), the disclosure contained herein is not intended to constitute an admission that any patent, publication, or other information referred to is "prior art" or "analogous art" for this invention.

The Commissioner is hereby authorized to charge any fees, if necessary, to Deposit  
Account No. 50-1108.

Respectfully Submitted,



Dated: October 22, 2002

Michael J. Atkins      Reg. No. 35,431

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PTO/SB/08A (10-01)  
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|  |   |    |   | Application Number       | 09/811,093       |
|  |   |    |   | Filing Date              | 03/16/2001       |
|  |   |    |   | First Named Inventor     | Clendennen       |
|  |   |    |   | Group Art Unit           | 1638             |
|  |   |    |   | Examiner Name            | Mehta, Ashwin D. |
|  |   |    |   | Attorney Docket Number   | 4257-0025.30     |
| Sheet  | 1 | of | 2 |                          |                  |

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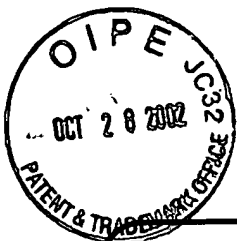
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<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04.

<sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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Sheet 2 of 2

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|------------------------|------------------|
| Application Number     | 09/811,093       |
| Filing Date            | 03/16/2001       |
| First Named Inventor   | Clendennen       |
| Group Art Unit         | 1638             |
| Examiner Name          | Mehta, Ashwin D. |
| Attorney Docket Number | 4257-0025.30     |

**OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS**

| Examiner<br>Initials * | Cite<br>No. <sup>1</sup> | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.   | T <sup>2</sup> |
|------------------------|--------------------------|---|----------------|
|                        |                          | VATSAKI C. ET AL., "Isolation and Characterization of an ACC-synthase Genomic Clone from Melon" EMBL Accession No. Y12008 [online], 27-MAY-1998, [retrieved on 23 September 2002]. Retrieved from the Internet: <URL: <a href="http://www.ncbi.nlm.nih.gov/entrez/query.fcgi?cmd=Retrieve&amp;db=nucleotide&amp;list_uids=3168975&amp;dopt=GenBank">http://www.ncbi.nlm.nih.gov/entrez/query.fcgi?cmd=Retrieve&amp;db=nucleotide&amp;list_uids=3168975&amp;dopt=GenBank</a> > |                |
|                        |                          | BIRREN B. ET AL., "Homo sapiens, clone RP11-72A1, complete sequence" EMBL Accession No. AC007483 [online], 27-DEC-2000, [retrieved on 23 September 2002]. Retrieved from the Internet: <URL: <a href="http://www.ncbi.nlm.nih.gov/entrez/query.fcgi?cmd=Retrieve&amp;db=nucleotide&amp;list_uids=11991320&amp;dopt=GenBank">http://www.ncbi.nlm.nih.gov/entrez/query.fcgi?cmd=Retrieve&amp;db=nucleotide&amp;list_uids=11991320&amp;dopt=GenBank</a> >                        |                |
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